

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

DEFENSE DISTRIBUTED, et al., §
Plaintiffs, §
§
v. § No. 1:15-cv-372-RP
§
§
U.S. DEPARTMENT OF STATE, et al., §
Defendants. §

NOTICE REGARDING UNDER SEAL FILING

On June 24, 2015, Plaintiffs filed a Motion for Leave to File Sealed Document. *See* ECF No. 36. The Court granted Plaintiffs' motion on June 30, 2015. *See* Text Order, Civ. No. 1:15-cv-372-RP (June 30, 2015).

In filing the motion, Plaintiffs sought the position of the Government (through undersigned counsel for the official-capacity Defendants) in accordance with Local Civil Rule 7(i). Plaintiffs expressed their view that the information they sought to file would constitute "technical data" within the definition provided by the International Traffic in Arms Regulations ("ITAR"), 22 C.F.R. Parts 120-130. As explained in Plaintiffs' filing, the Government, "having not seen the proposed filing," could not take a meaningful position regarding whether the contents of the filing would constitute technical data or should be made under seal. However, the Government promised to "expeditiously review the filing to determine its position on whether it believes sealing is appropriate." *See* ECF No. 36.

Having now reviewed the filing, the Government has concluded that the ITAR does not constrain the release of the filing on the public docket and that sealing is therefore not appropriate.

Dated: July 3, 2015

RICHARD L. DURBIN, JR.
Acting United States Attorney
Western District of Texas

ZACHARY C. RICHTER
Assistant United States Attorney
Western District of Texas

Respectfully submitted,

BENJAMIN C. MIZER
Principal Deputy Assistant Attorney General
Civil Division

ANTHONY J. COPPOLINO
Deputy Branch Director
Federal Programs Branch

/s/ Eric J. Soskin
ERIC J. SOSKIN
Pennsylvania Bar No. 200663
STUART J. ROBINSON
California Bar No. 267183
Trial Attorneys
United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Ave., NW, Room 7116
Washington, DC 20530
Phone: (202) 353-0533
Fax: (202) 616-8470
Email: Eric.Soskin@usdoj.gov

Attorneys for Official-Capacity Defendants

CERTIFICATE OF SERVICE

I certify that on July 3, 2015, I electronically filed this document with the Clerk of Court using the CM/ECF system, which will send notification to

Alan Gura, alan@gurapossessky.com
William B. Mateja, mateja@fr.com
William T. "Tommy" Jacks, jacks@fr.com
David S. Morris, dmorris@fr.com
Matthew Goldstein, matthew@goldsteinpllc.com
Attorneys for Plaintiffs

In addition, I have dispatched this document using the United States Postal Service to the following, who is not listed as a CM/ECF participant:

Josh Blackman
1303 San Jacinto Street
Houston, TX 77002

/s/ Eric J. Soskin
ERIC J. SOSKIN
Senior Counsel